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EPA Backs Away From Issue of Auto Emissions

Agency Says Regulation Is Congress's Job

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The Environmental Protection Agency ruled yesterday that it lacks authority under the Clean Air Act to regulate carbon dioxide and other greenhouse gas emissions from automobiles in another major victory this week for industry.

The EPA formally rejected a long-standing petition from three environmental groups to regulate greenhouse gas emissions from vehicles as a means of dealing with the problem of global climate change. The three are Greenpeace, the International Center for Technology Assessment and the Sierra Club.

The agency asserted that Congress had not granted the EPA specific authority under the Clean Air Act to regulate carbon dioxide along with regulated health-threatening pollutants such as nitrogen oxide and sulfur dioxide. The EPA also said proposals for setting carbon dioxide emissions standards for motor vehicles are "not appropriate" at this time.

"Congress must provide us with clear legal authority before we can take regulatory action to address a fundamental issue such as climate change," said Jeffrey Holmstead, assistant EPA administrator for the Office of Air and Radiation. "We already are taking a number of actions, at home and abroad, to address climate change."

Environmentalists said the decision marked an "abrupt about-face" by the EPA, which testified before Congress in October 1999, during the Clinton administration, that the agency had the necessary authority to regulate carbon dioxide as a global warming pollutant, although it declined to do so.

President Bush disavowed a landmark 1997 international global warming treaty shortly after he took office, and his administration has rejected measures that would force utilities and manufacturers to meet mandatory targets for reducing carbon dioxide, a heat-trapping gas that many researchers have linked to the problem of the earth's rising temperature. Since then, the administration has promoted a series of programs of research and voluntary industry action to slow the growth of emissions over the next 10 years.

Last week, the administration approved a major rollback of clean air enforcement rules for the nation's oldest and dirtiest power plants and refineries in a move hailed by industry.

Yesterday's decision comes a year after the EPA issued a controversial report to the United Nations that concluded that humans are to blame for far-reaching environmental effects of global warming.

"The Bush administration is again ducking its legal and moral responsibility to address global warming," said David Bookbinder, senior attorney with the Sierra Club. "But instead of just admitting that it isn't doing anything about global warming, now the Bush administration is saying it's not their job."

Yesterday, the U.S. Chamber of Commerce, the National Association of Manufacturers and other

industry advocates praised the ruling on greenhouse gas emissions.

Bill Kovacs, vice president for environmental policy at the Chamber of Commerce, said measures to regulate carbon dioxide emissions would harm the economy, force up energy prices and lead to "energy rationing."

"The EPA's decision that they don't have legal authority to regulate carbon dioxide puts the issue clearly in Congress," Kovacs said.

The Senate has agreed to consider legislation this fall offered by Sens. John McCain (R-Ariz.) and Joseph I. Lieberman (D-Conn.) to impose a comprehensive national policy to cut greenhouse gas emissions.

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